

73-18-13. Duties of operator involved in accident -- Notification and reporting procedures -- Use of accident reports -- Giving false information as misdemeanor.

(1) As used in this section, "agent" has the same meaning as provided in Section 41-6a-404.

(2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator can do so without seriously endangering the operator's own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable.

(b) The operator shall also give the operator's name, address, and identification of the operator's vessel in writing to:

- (i) any person injured; or
- (ii) the owner of any property damaged in the accident.

(3) (a) The board shall adopt rules governing the notification and reporting procedure for vessels involved in accidents.

(b) The rules shall be consistent with federal requirements.

(4) (a) Except as provided in Subsection (4)(b), all accident reports:

(i) are protected and shall be for the confidential use of the division or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and

(ii) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.

(b) The division shall disclose a written accident report and its accompanying data to:

- (i) a person involved in the accident, excluding a witness to the accident;
- (ii) a person suffering loss or injury in the accident;
- (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i) and (ii);
- (iv) a member of the press or broadcast news media;
- (v) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;
- (vi) law enforcement personnel when acting in their official governmental capacity; and
- (vii) a licensed private investigator.

(c) Information provided to a member of the press or broadcast news media under Subsection (4)(b)(iv) may only include:

- (i) the name, age, sex, and city of residence of each person involved in the accident;
- (ii) the make and model year of each vehicle involved in the accident;
- (iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;
- (iv) the location of the accident; and
- (v) a description of the accident that excludes personal identifying information not listed in Subsection (4)(c)(i).

(5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as evidence in any civil or criminal trial, arising out of an accident.

(b) Upon demand of any person who has, or claims to have, made the report, or

upon demand of any court, the division shall furnish a certificate showing that a specified accident report has or has not been made to the division solely to prove a compliance or a failure to comply with the requirement that a report be made to the division.

(c) Accident reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (6).

(6) Any person who gives false information, knowingly or having reason to believe it is false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

Amended by Chapter 153, 2012 General Session